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WASHINGTON-The U.S. Commission on International Religious Freedom calls on the Russian government to withdraw or substantially modify its amended law regulating non-governmental organizations, as outlined in a new, in-depth legal analysis released in advance of the legislation's implementation. According to the Commission study, the law places disturbing restrictions on NGOs and further circumscribes the already limited role the government grants civil society in a country where democracy is under increasing threat.

The report, *Challenge to Civil Society: Russia's Amended Law on Noncommercial Organizations*, provides the first detailed legal analysis of the legislation and its impact.

"Key elements of the law are vague and open to arbitrary and discretionary interpretation and enforcement, in many areas resulting in a dramatic expansion in government powers," said Felice D. Gaer, the Commission chair.

"Repeal of the law would alleviate most of the concerns raised by this report. At a minimum, the Russian government should amend or clarify problematic provisions and regulations ... in a manner that ensures the law's respect for international norms related to freedom of association, freedom of thought, conscience and religion or belief, and related human rights," Gaer states in the introduction.

Based on material drawn from a Commission delegation visit to Russia and subsequent

research, the report concludes that the law raises profound concerns for the continued viability of a diverse and representative civil society in Russia. Further, it will increase significantly the involvement of Russian officials in the formation of civil society organizations and the way in which these organizations raise money, plan and initiate programs and activities. Some of the NGO law's provisions also directly limit the human rights of members of religious communities, including charitable activities, and have had a chilling-if not freezing-effect on the overall climate for human rights monitoring.

The Commission also recommends that the law's implementation should be closely and independently monitored. This should include the law's impact on religious organizations, which along with all domestic NGOs are required to file their first reports on their activities and finances to the Russian government on April 15.

It further recommends that the Russian government:

- Develop and implement regulations that clarify and sharply limit the state's discretion to interfere with the activities of NGOs, including religious groups. These regulations should be developed in accordance with international standards and in conformance with international best practices, including recommendations made in the Council of Europe's Provisional Opinion on the NGO law.
- Establish an accountability mechanism for Federal Registration Service personnel independent of the FRS to review and/or prevent arbitrary and excessive misuse of powers curtailing NGO activities, and ensure that this mechanism provides NGOs with the ability to lodge complaints to trigger an accountability process.
- Publish precise and transparent statistical data on a regular basis regarding FRS activities related to implementation and enforcement of the NGO law.
- Consult with civil society groups, Russia's Human Rights Ombudsman and the Council on the Institutions of Civil Society and Human Rights on their findings regarding implementation of the law and reassess, within a reasonable time period, necessary amendments and/or other changes to the law as required.
- Establish an independent NGO Legal Assistance Fund dedicated to paying for legal appeals brought by NGOs in response to state actions such as denial of registration, warning letters, or other acts designed to curtail and/or prevent legitimate NGO activities, including initiation of liquidation proceedings or removal from the registry.
- Ensure that all data related to the NGO law, including information available on official Russian web sites, is accurate and up to date. For example, the comparative study of NGO laws prepared by the Russian Ministry of Foreign Affairs' Department of Information and Press should be amended or removed because it is inaccurate in many instances.

The Commission has also recently published Policy Focus Russia. That report notes that political authoritarianism, rising nationalism, officially tolerated xenophobia and intolerance, and the sometimes arbitrary official response to domestic security concerns are jeopardizing human rights in Russia, all of which are essential for the protection of freedom of thought, conscience, religion or belief. Those trends are having a particularly harsh impact on Russia's Muslims and other religious and ethnic minorities.

The Commission was created by the International Religious Freedom Act of 1998 to monitor violations of the right to freedom of thought, conscience and religion or belief abroad and to give independent policy recommendations to the President, Secretary of State and Congress. Since its inception, the Commission has focused on Russia because of the increasingly tenuous status of human rights as well as Russia's role as an example for other post-Soviet republics and countries in transition.

Robert Blitt was the principal researcher and drafter of the NGO study, along with Tad Stahnke, deputy director for policy. Catherine Cosman, senior policy analyst, drafted Policy Focus Russia.

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, the Secretary of State and the Congress.

Felice D. Gaer

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